

Hon. Richard A. Jones
Trial Date: NOT SCHEDULED

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

LARRY DEAN LAMBOURN,

Plaintiff,

vs.

SENTINEL DREAM II HOLDINGS, LLC,
MARC PFEFFERLE, ERIC D. BOMMER,
STEVE CUMBOW, MATTHEW R. KAHN,
CHRIS BAKER, MICHAEL J. FABIAN,
ROSE RUIZ, JANE/JOHN DOES 1
THROUGH 10, and THE MARITAL
COMMUNITY OF EACH NONBUSINESS
DEFENDANT

Defendants.

NO. 2:22-cv-00373-RAJ

**NOTICE OF STAY OF
PROCEEDINGS DUE TO A
BANKRUPTCY COURT'S
INJUNCTION IN A NON-PARTY
BANKRUPTCY MATTER**

(Jury trial requested.)

I. VERIFICATION

Plaintiff's counsel did not meet and confer with any defense attorney as no defendant has appeared in this matter and because Plaintiff's counsel believes filing a notice of stay is not discretionary in the present circumstances.

II. DISCUSSION

Plaintiff filed this wage-claim lawsuit against the officers and directors of Hollander Sleep Products, LLC ("**Hollander**") in their individual capacity separate and apart from

**NOTICE OF STAY OF PROCEEDINGS
DUE TO BANKRUPTCY INJUNCTION -**

1
NO. 2:22-cv-373

THE BARTON LAW FIRM

1567 Highlands Dr NE Ste 110-34
Issaquah, WA 98029-6245
(425) 243-7960 TheBartonLawFirm@GMail.com

1 Hollander's liability for failure to pay plaintiff's severance wages. Each officer and director is
2 individually liable separate and apart from Hollander's liability pursuant to RCW 49.52.050 and
3 RCW 49.52.070, the latter of which states that "Any employer and any officer, vice principal or
4 agent of any employer" shall be liable for willfully withholding wages. Each officer and
5 director is individually liable separate and apart from Hollander's liability pursuant RCW
6 49.46.010, which defines an "employer" who may be held liable for a failure to pay wages as
7 "includ[ing] any individual ... or any person or group of persons acting directly or indirectly in
8 the interest of an employer in relation to an employee."

9
10 The non-debtor Defendant's liability in this case is defined by law as parallel with, not
11 derived from, the Debtor's liability. The law does not define the liability as arising from the
12 officer's/director's relationship with the corporation or make the liability contingent upon a
13 finding that the corporation is liable.

14 None of the Defendant officers and directors is currently a debtor in a bankruptcy.
15 Hollander is in Chapter 11 bankruptcy in the Southern District of New York U.S. Bankruptcy
16 Court. On information and belief, the deadline for filing claims in that bankruptcy proceeding
17 has expired.

18 Attorney Beth E. Levine of the firm Pachulski, Stang, Ziehl & Jones, which represents
19 the Plan Administrator of Hollander's estate, alleges that Plaintiff in the present lawsuit has
20 violated the Bankruptcy Court's injunction by interfering with the Debtor's estate's assets
21 because, according to Ms. Levine, the non-debtor Defendants in the present case have filed
22 claims for indemnification from Debtor Hollander's estate.

23
24 Plaintiff is currently consulting with a bankruptcy attorney to evaluate Ms. Levine's
25 assertions. Specifically, Plaintiff is evaluating, among other issues, whether a claim interferes

1 with a Debtor's estate where (1) the claim is against a non-debtor defendant, (2) the non-debtor
2 defendant's liability is defined by law as parallel with, not derived from, the Debtor's liability,
3 (3) the non-debtor defendant has a right of indemnification from the Debtor's estate if the
4 defendant files a proper timely claim for indemnification, and (4) the non-debtor defendant
5 missing the deadline for filing claims in that bankruptcy proceeding.

6 Plaintiff will work to resolve the dispute with Hollander's Plan Administrator as quickly
7 as possible. In the interim, Plaintiff believes that the present matter must be deemed as stayed
8 pursuant to the Bankruptcy Court's injunction.
9

10 EXECUTED in Issaquah, Washington this June 29, 2022.

11 /s/ John Barton
12 John G. Barton, WSBA No. 25323
13 Attorney for Plaintiffs
14 1567 Highlands Dr NE Ste 110-34
15 Issaquah, WA 98029-6245
16 (425) 243-7960
17 TheBartonLawFirm@GMail.com
18
19
20
21
22
23
24
25

DECLARATION OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington that on this date, I did not send this *Notice of Stay of Proceedings Due to a Bankruptcy Court's Injunction in a Non-Party Bankruptcy Matter* to any other party as no defendant has appeared in this action.

EXECUTED at Issaquah, Washington this June 29, 20222021.

/s/ John Barton
John G. Barton, WSBA No. 25323
Attorney for Plaintiffs
1567 Highlands Dr NE Ste 110-34
Issaquah, WA 98029-6245
(425) 243-7960
TheBartonLawFirm@GMail.com